



OFFICE OF THE CLERK/TREASURER

City of Burlington

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LOCAL CONTROL SUB-COMMITTEE

TUESDAY, JUNE 14, 2011

CITY ASSESSOR'S OFFICE PUBLIC RECORDS ROOM, CITY HALL

4:00 P.M.

PRESENT: Commissioners Dober and Blais; Lori Olberg, Clerk/Treasurer's Office; Assistant City Attorney Nikki Fuller

ABSENT: Commissioner Berezniak

COMMISSION CHAIR DOBER PRESIDING:

1. AGENDA

Commissioners Blais and Dober made a motion to adopt the agenda as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Dober, the consent agenda was adopted as is and the following actions were taken as indicated:

2.01. COMMUNICATION: Amy Bovee, Executive Secretary, re: Minutes, Local Control Sub-committee/City Council License Committee, May 4, 2011

*waive the reading, accept the communication and place it on file

2.02. COMMUNICATION: Renee Warren, Administrative Secretary, DLC, re: JRS Corp (Akes' Place), Violation of General Regulation #21 with a fine of \$200 has been paid

*waive the reading, accept the communication and place it on file

2.03. COMMUNICATION: Renee Warren, Administrative Secretary, DLC, re: Apple Mountain, Violation of General Regulation #13 with a fine of \$250 has been paid

*waive the reading, accept the communication and place it on file

2.04. COMMUNICATION: Renee Warren, Administrative Secretary, DLC, re: Asiana House, Violation of General Regulation #21 with a fine of \$200 has been paid

*waive the reading, accept the communication and place it on file

2.05. COMMUNICATION: Renee Warren, Administrative Secretary, DLC, re: Muddy Waters, Violation of General Regulation #21 with a fine of \$200 has been paid

*waive the reading, accept the communication and place it on file

- 2.06. COMMUNICATION: William J. Goggins, Director, Education, Licensing & Enforcement Divisions, Vermont Department of Liquor Control, re: Administrative Notice of Agency Action #531, 532, 547 and 548 with an Administrative Penalty of \$1000 plus a late fee of \$10 since it has not been paid yet
*waive the reading, accept the communication and place it on file
- 2.07. COMMUNICATION: Stephanie M. O'Brien, Chair, State of Vermont Liquor Control Board, Re: Phuong's Kitchen Decision
*waive the reading, accept the communication and place it on file
- 2.08. COMMUNICATION: Renee Warren, Administrative Secretary, DLC, re: Radio Bean Coffeehouse, Violation of General Regulation #42 with a fine of \$200 has been paid
*waive the reading, accept the communication and place it on file
- 2.09. COMMUNICATION: Renee Warren, Administrative Secretary, DLC, re: Sakurabana, Violation of General Regulation #21 with a fine of \$200 has been paid
*waive the reading, accept the communication and place it on file
- 2.10. COMMUNICATION: Renee Warren, Administrative Secretary, DLC, re: Willard Street Market, Violation of General Regulation #13 with a fine of \$250 has been paid
*waive the reading, accept the communication and place it on file
- 2.11. APPLICATION FOR FESTIVAL PERMIT (**two days only**): Vermont Brewers Festival
*waive the reading, accept the communication, place it on file and approve the Vermont Brewers Festival at Burlington Waterfront Park for Friday, July 15, 2011, 6:00 p.m. – 10:00 p.m. and Saturday, July 16, 2011, 12:00 p.m. – 4:00 p.m. and 6:00 p.m. – 10:00 p.m.

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (**2011-2012**): Junior's*

Commissioners Blais and Dober made a motion to approve the First Class Restaurant Liquor License Application for Junior's.

Commissioner Dober inquired if the owner had attended the DLC Seminar. Bogdan Andreescu, a co-owner, stated he would be attending it on June 28. Mr. Andreescu stated they had been open for 15 years and would like to be able to serve beer and wine. Commissioner Dober stated they would review the application again at the next meeting.

On a motion by Commissioners Blais and Dober, the application was tabled until the following week. Passed 2-0.

4. OUTSIDE CONSUMPTION PERMIT AMENDMENT (**2011-2012**): Das Bierhaus*

Commissioners Blais and Dober made a motion to approve the Outside Consumption Permit Amendment for Das Bierhaus.

Commissioner Dober stated they would need to determine the dimensions of the outside seating area. He also stated the hours need to be changed. Lori Olberg stated they should obtain Fire and Police input. Assistant City Attorney Fuller stated the police want tables removed by 9:00pm because of crowding issues. Commissioner Dober stated he wanted a 4-foot lane in the outside consumption area for pedestrian traffic and emergency access.

Commissioners Blais and Dober made a motion to table the Outside Consumption Permit Amendment for Das Bierhaus. Passed 2-0.

5. OUTSIDE CONSUMPTION PERMIT AMENDMENT (2011-2012): Sky Burgers*

Commissioners Blais and Dober made a motion to approve the Outside Consumption Permit Amendment for Sky Burgers.

Commissioner Dober stated the dimensions were 14'x27'. Lori Olberg stated there would be 13 tables and 42 chairs. The owner stated there would be barriers to enclose the area next to the road. Lori Olberg stated they must close by 9:00pm. Assistant City Attorney Fuller stated they need to have waiter and waitress service only. The owner added that there would be a host outside too.

The Outside Consumption Permit Amendment for Sky Burgers was approved unanimously. Passed 2-0.

6. OTHER BUSINESS

Matt Gonyo, DLC investigator, stated that Das Bierhaus has been operating as a cabaret, rather than a restaurant. To be a restaurant, there has to be a majority of food over alcohol. They will have to reapply as a cabaret and void the current license. Assistant City Attorney Fuller stated the area is not zoned for a cabaret. Matt Gonyo stated they had made improvements but they need to use last year's numbers for the upcoming license. Commissioner Dober stated that he has been following an action plan and the plan is working. Matt Gonyo stated he will bring this to the attention of the director of enforcement.

Lori Olberg stated the owner of Sadie Katz has proposed he apply for a cabaret license because he is going to stay open until 2:00 a.m. and knows he will sell more alcohol than food. Commissioner Dober inquired if there would be zoning issues. Lori Olberg stated they would have to check.

7. ADJOURNMENT

On a motion by Commissioners Blais and Dober, the meeting was adjourned at 4:40pm.

Attest:

Amy Bovee, Executive Secretary and Lori Olberg, Licensing, Voting and Records Coordinator

CITY COUNCIL LICENSE COMMITTEE
TUESDAY, JUNE 14, 2011

PRESENT: See above

1. AGENDA

Commissioners Blais and Dober made a motion to adopt the agenda as is.

2. CONSENT AGENDA

Lori Olberg stated that item 2.01 was for Pete's Ice Cream and item 2.02 was for the Shopping Bag.

On a motion by Commissioner Blais and Dober, the consent agenda was adopted as is and the following actions were taken as indicated:

- 2.01. COMMUNICATION: William J. Goggins, Education, Licensing & Enforcement Chief, re:
Violation of Education Regulation #3b—One day suspension: Saturday,

July 9, 2011 and mandatory DLC training (tobacco)

*waive the reading, accept the communication and place it on file

2.02. COMMUNICATION: William J. Goggins, Education, Licensing & Enforcement Chief, re:
Violation of Education Regulation #3b—One day suspension: Saturday,
July 9, 2011 and mandatory DLC training (tobacco)

*waive the reading, accept the communication and place it on file

3. LICENSE AGREEMENT: Das Bierhaus*

Commissioners Blais and Dober made a motion to table the License Agreement for Das Bierhaus.

The motion passed unanimously.

4. LICENSE AGREEMENT: Sky Burgers*

Commissioners Blais and Dober made a motion to approve the License Agreement for Sky Burgers with the provisions set out in the Outside Consumption Permit Amendment. The motion passed unanimously. Passed 2-0.

5. OTHER BUSINESS

There was no other business.

6. ADJOURNMENT

On a motion by Commissioners Blais and Dober, the meeting was adjourned at 4:45 p.m.

Attest:

Amy Bovee, Executive Secretary and Lori Olberg, Licensing, Voting and Records Coordinator